

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SONOMA VALLEY UNIFIED SCHOOL
DISTRICT AND SONOMA COUNTY
SELPA.

OAH CASE NO. 2014020691

ORDER FOR SUPPLEMENTAL
BRIEFING ON SONOMA COUNTY
SELPA'S MOTION TO BE DISMISSED
AS A PARTY

On February 18, 2014, Student, through his attorney, filed a Request for Due Process Hearing (complaint) with the Office of Administrative Hearings (OAH) the Sonoma Valley Unified School District (Sonoma Valley) and the Sonoma County Special Education Local Planning Area (SELPA). On February 20, 2014, OAH received SELPA's Motion to Dismiss, alleging that it was not the responsible public agency in this matter.

APPLICABLE LAW

Special education due process hearing procedures extend to the parent or guardian, to the student in certain circumstances, and to "the public agency involved in any decisions regarding a pupil." (Ed. Code, § 56501, subd. (a).) A "public agency" is defined as "a school district, county office of education, special education local plan area, . . . or any other public agency . . . providing special education or related services to individuals with exceptional needs." (Ed. Code, §§ 56500 and 56028.5.)

DISCUSSION

Student's complaint alleges that Sonoma Valley and SELPA denied him a free appropriate public education (FAPE) by discontinuing transportation service to him. In its Motion to Dismiss, which is supported by the sworn declaration of Catherine Conrado, SELPA Director, SELPA asserts that it: 1) does not operate special education programs; 2) does not provide transportation services to students; and 3) is not the responsible local educational agency, has not provided special education or related services to Student, and has not been involved in the provision of any services to Student at any time. Therefore, SELPA contends that it is not a proper party in this matter, and, as such, it should be dismissed as a party.

Based on a review of Student's complaint, it is unclear whether SELPA played any role in the discontinuation of the transportation services to Student, or whether SELPA was responsible for the provision of FAPE or the transportation services to Student. OAH has received no response to the Motion to Dismiss from either Sonoma Valley or Student. Therefore, information is required from both Sonoma Valley and Student regarding SELPA's Motion to Dismiss.

ORDER

1. By 5:00 p.m. on March 3, 2014, Sonoma Valley and Student shall provide their responses to SELPA's Motion to Dismiss. The responses shall include sworn declarations supporting any factual assertions included in the responses.
2. The responses shall provide information regarding the entity that is responsible for providing transportation services to Student, and address the question of whether SELPA is, or has been involved in, or otherwise responsible for the provision of special education and related services to Student.
3. The responses shall address the question of whether or why SELPA is a proper party in this matter.

IT IS SO ORDERED.

DATE: February 26, 2014

/s/

ADENIYI AYOADE

Administrative Law Judge

Office of Administrative Hearings